

TITLE 16. ACUPUNCTURE BOARD

ORIGINAL PROPOSED REGULATORY LANGUAGE

The Board has illustrated changes to the original text in the following manner: underlined language identifies proposed additions to existing regulations and strikethrough language identifies proposed deletions of existing regulatory language.

Amend Section 1399.465 to read:

1399.465. Citation; Assessment of Fine.

(a) The amount of any administrative fine to be levied by the executive officer shall be no less than \$100 nor more than \$2500.

In assessing the amount of the fine, the executive officer will consider the following factors in determining the amount of the fine:

~~(a)~~ (1) Gravity of the violation.

~~(b)~~ History of previous violations of the same or similar nature.

~~(c)~~ (2) The good or bad faith exhibited by the cited person.

~~(d)~~ (3) Evidence that the violation was willful.

~~(e)~~ (4) The extent to which the cited person cooperated with the board's investigation.

~~(f)~~ (5) The extent to which the cited person has mitigated or attempted to mitigate any damage caused by his or her violation.

~~(g)~~ (6) Such other factors as justice may require.

(b) Notwithstanding the administrative fine amounts specified in subsection (a), a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:

(1) The citation involves a violation that has an immediate relationship to the health and safety of another person.

(2) The cited person has a history of two or more prior citations of the same or similar violations.

(3) The citation involves multiple violations that demonstrate a willful disregard of the law.

(4) The citation involves a violation or violations perpetrated against a senior citizen or person with disabilities.

Note: Authority cited: Section 125.9, 148 and 4933, Business and Professions Code. Reference: Section 125.9 and 148, Business and Professions Code.